

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY,
a Corporation,

Plaintiff,

v.

BALLY MANUFACTURING
CORPORATION, a Corporation,
CHICAGO DYNAMIC INDUSTRIES,
INC.; a Corporation, ATARI,
INC., a Corporation, ALLIED
LEISURE INDUSTRIES, INC.,
a Corporation, and EMPIRE
DISTRIBUTING, INC., a
Corporation,

Defendants.

Civil Action No.

FILED

74C 1030 NOV 18 1975

H. STUART CUNNINGHAM, CLERK
UNITED STATES DISTRICT COURT

JUDGE MARSHALL

COMPLAINT FOR PATENT INFRINGEMENT

1. This action arises under the patent laws of the United States, Title 35, United States Code. Jurisdiction of this Court is based on Title 28, United States Code, Section 1338(a).

2. Plaintiff, The Magnavox Company, is a corporation organized and existing under the laws of the State of Delaware.

3. Defendant Bally Manufacturing Company is a corporation organized and existing under the laws of the State of Delaware.

4. Defendant Chicago Dynamic Industries, Inc. is

a corporation organized and existing under the laws of the State of Illinois.

5. Defendant Atari, Inc. is a corporation organized and existing under the laws of the State of California.

6. Defendant Allied Leisure Industries, Inc. is a corporation organized and existing under the laws of the State of Florida.

7. Defendant Empire Distributing, Inc. is a corporation organized and existing under the laws of the State of Illinois.

8. On April 25, 1972, United States Letters Patent 3,659,284 issued to Sanders Associates, Inc., Nashua, New Hampshire as assignee of William T. Rusch for an invention in TELEVISION GAMING APPARATUS and since that date Sanders Associates, Inc. has been and still is the owner of those Letters Patent.

9. On April 25, 1972, United States Letters Patent 3,659,285 issued to Sanders Associates, Inc., Nashua, New Hampshire as assignee of Ralph H. Baer, William T. Rusch, and William L. Harrison for an invention in TELEVISION GAMING APPARATUS AND METHOD and since that date Sanders Associates, Inc. has been and still is the owner of those Letters Patent.

10. By an agreement entered into between Sanders Associates, Inc. and plaintiff effective January 27, 1972, plaintiff has been and still is the exclusive licensee under

said United States Letters Patent 3,659,284 and 3,659,285 with the right to bring actions for infringement of said Letters Patent.

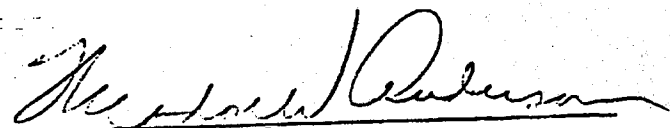
11. Each of defendants has been for a long time past and still is infringing said Letters Patent 3,659,284 and 3,659,285 by making, using and/or selling gaming apparatus embodying the subject matter of the claims of said Letters Patent and will continue to do so unless enjoined by this Court.

12. Each of defendant's infringements of said Letters Patent 3,659,284 and 3,659,285 were and are willful and with full knowledge of said Letters Patent.

13. Plaintiff has placed the notice prescribed at Title 35, United States Code, Section 287(a) on all gaming apparatus manufactured and sold by it under said Letters Patent 3,659,284 and 3,659,285 and has given written notice to defendants of said infringements of Letters Patent 3,659,284 and 3,659,285.

WHEREFORE, plaintiff demands a preliminary and final injunction against continued infringement of said Letters Patent 3,659,284 and 3,659,285 by each of defendants, an accounting of the damages to plaintiff and the profits to defendants caused by said infringements, an assessment of three times the damages and profits so determined, an award of reasonable attorneys' fees and costs at the exclusive discretion of the

able attorney fees, and an assessment of interest and costs
against defendants.



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April 15, 1974

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